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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/656,881		09/08/2003	Augusto D. Hernandez	08215-549001 / P06-026886	8107		
26171	7590	02/15/2006		EXAMINER			
FISH & RICHARDSON P.C.				SMITH, RICHARD A			
P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				ART UNIT	PAPER NUMBER		
				2859			
					DATE MAILED: 02/15/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

E/1

Office Action Summary    10/856,881		Application No.	Applicant(s)						
R. Alexander Smith   2859  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  If NO period for right is specified above, the manifement statictory period will apply and will expire 5X (6) MONTHS from the mailing date of his communication.  If NO period for right is specified above, the manifement statictory period will apply and will expire 5X (6) MONTHS from the mailing date of this communication.  If NO period for right is specified above, the manifement statictory period will apply and will expire 5X (6) MONTHS from the mailing date of this communication.  If NO period for right is specified above, the manifement statictory period will apply and will expire 5X (6) MONTHS from the mailing date of this communication.  If NO period for right is specified above, the manifement is expired to the communication of the communication of the second patent term adjustment. See 37 CFR 1.764(0).  Status  Status  1) Responsive to communication(s) filled on	Office Action Summers			AL.					
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Exerciscis of time may be available under the provisions of 37 CPR 1.13(6). In no event, however, may a rely be timely filed.  - Exerciscis of time may be available under the provisions of 37 CPR 1.13(6). In no event, however, may a rely be timely led.  - Extractions of time may be available under the provisions of 37 CPR 1.13(6).  - Failure to reply within its set or extended period for reply will, by attacts, cause the application to become ANAHODNED (38 U.S.C. § 133).  - Any tray previously in the filed above, the maximum dates the mailling date of this communication.  - Failure to reply within its set or extended period for reply will, by attacts, cause the application to become ANAHODNED (38 U.S.C. § 133).  - Any tray previously in the filed that the mailling date of this communication, even it timely the c. may reduce any extract particular time.  - The replaced time application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  - Disposition of Claims  - A) Claim(s) ±22 (sfare pending in the application.  - 4a) Claim(s) ±3 rare allowed.  - 6b) Claim(s) ±3 rare rejected.  - 7c) Claim(s) ±3 rare rejected to the extraction of the extraction of the extraction is sold to requirement.  - Application Papers  - 9c) The specification is objected to by the Examiner.  - 10c) The drawing(s) filed on ±3 rare explication is exquired if the drawing(s) to be decided to Sea 37 CFR 1.121(d).  - 11c) The oath or declaration is objected to be the Examiner. Note the attached Office Action or form PTO-152.  - Priority under 35 U.S.C. § 119  - 11c) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  - 11c) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  - 11c)									
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be waitable under the provisions of 37 GFR 1130(b). In no event, nower, may a mpty be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - Failth for regive which the saft or seminate part of or rigid. In no event, however, may a mpty be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - Failth for regive which the saft or seminate part of for rigid. In the seminate part of the region with the part of the communication.  - Failth for regive which the saft or seminate part of for rigid.  Any reply received by the Difficult select than three months after the mailing date of this communication, even if timely filed, may reduce any seminar part to make the mailing date of this communication, even if timely filed, may reduce any seminary seminary part of the mailing date of this communication, even if timely filed, may reduce any seminary reply received by the communication of the mailing date of this communication, even if timely filed, may reduce any seminary responsible to communication (s) filed on									
1) Responsive to communication(s) filed on	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>								
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12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-3, drawn to a position indicator having a polymer housing, classified in class 116, subclass 305.
  - II. Claim 4-10, drawn to a position indicator having a pointer and drive mechanism that is non-linear, classified in class 116, subclass 289.
  - III. Claim 11-16, drawn to a position indicator having a main indicating assembly with a modular maximum position indicating subassembly, classified in class 116, subclass 293.
  - IV. Claim 17-22, drawn to a position indicator having a limit switch with a one-piece limit switch adjuster, classified in class 200, subclass 47.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, each of the subcombination above has separate utility from the other since each of the above inventions can be used separately and have different designs, functions and or

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effects from the other remaining inventions as noted above and by the differing classifications. See MPEP § 806.05(d).

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Ms. Diana Diberardino on, or about, January 31, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 571-272-2251.

The examiner can normally be reached on Monday through Friday from 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

R. Alexander Smith Primary Examiner

Technology Center 2800

RAS February 13, 2006